Dixit

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2888 OF 1997
IN
FIRST APPEAL NO.421 OF 1997

Sindhutai Jeevanrao Shirole & Ors. ...Applicants
V/s.
Shelter, Partnership Firm, & Ors. ...Respondents

Mr.S.P. Thorat, Advocate, for the Applicants.

CORAM : ABHAY S. OKA, J.
DATE : 1ST NOVEMBER, 2007.

P.C.:

1. The office noting shows that the respondents have been served. None appears for the respondents. The prayer in this application is for stay of execution of the decree of specific performance. As the Appeal has been admitted, stay deserves to be granted. However, the applicant will have to be restrained from creating any third party interests.

2. Hence, the Civil Application is disposed of by passing following order.

3. There will be interim relief in terms of prayer clause (b) subject to condition that the applicants will not create any third party interests

in respect of the suit property.

4. If original plaintiffs have deposited the amount as per the decree, the Trial Court to invest the same in the fixed deposit in any nationalized bank and the said fixed deposit shall be renewed from time to time till the disposal of the Appeal.

[ABHAY S. OKA, J.]